REMARKS

By the *Office Action* of 29 August 2005, Claims 1-20 are pending in the Application, and all rejected. Applicant amends Claim 1, and leaves unchanged the remaining claims.

No new matter is introduced by the present *Response And Amendment*. It is respectfully submitted that the present Application is in condition for allowance for the following reasons.

1. Rejection Of The Claims Under 35 USC § 102

Claims 1-2 and 19-20 are rejected under 35 USC § 102(a) as being anticipated by Japanese Patent No. 63-280946 to Natsushiro et al. Applicant respectfully submits that the Claims 1-2 and 19-20 are not anticipated by Natsushiro et al.

Claim 1

Applicant's Claim 1 is directed to a transverse element for a drive belt in which a "supporting surface transforms into a pulley sheave contact surface" and the "transition region (33) between the supporting surface and the pulley sheave contact surface comprises two parts (40,41) having different curvature radii." Embodiments of the claimed transition region are illustrated in Applicant's figures 4a and 4b. As shown in Figure 3a and described in the *Specification*, the supporting surface 31 is provided underneath the bands 21 and the pulley sheave contact surface 32 is provided on the side of the transverse element which contacts the pulley sheave. (U.S. Patent App. No. 20040072644 at ¶¶ 31 & 33). As shown in figures 3a, 4a, and 4b, the transition region 33 is provided in between the supporting surface 31 and the pulley sheave contact surface 32. Importantly, as claimed in Applicant's Claim 1, the first curvature radius at the side of the supporting surface is larger than the second curvature radius at the side of the pulley sheave contact surface.

The Examiner states that Natsushiro et al. discloses the Applicant's Claim 1 in its figures 1-3, which the Examiner alleges illustrate "a transition region (2d) comprising two parts having different radii curvature" such that "the first radius at the side surface is larger than that of the second radius at the side of the pulley contact surface." Applicant respectfully submits that Natsushiro et al. fails to anticipate Claim 1, because it does not disclose the transition region as claimed by the Applicant.

Applicant does not disagree that Natsushiro et al. discloses a transverse element with a supporting surface "2d" and a pulley sheave contact surface "2b". Furthermore, Applicant agrees that inherent in a transverse element is a transition region between the supporting surface "2d" and the pulley sheave contact surface "2b". Applicant respectfully submits, however, that Natsushiro et al. does not disclose Applicant's Claim 1 transition region in which "a first curvature radius of a first part (40) at the side of the supporting surface (31) is larger than a second curvature radius of a second part (41) at the side of the pulley sheave contact surface (32)." Significantly, the Natsushiro et al. is silent concerning the transition region.

Reference numeral "2d" of Natsushiro et al. references the supporting surface rather than the transition region. More specifically, "2d" refers to what is described in the Natsushiro et al. abstract as "lower saddle parts." Those of skill in the art appreciate that the term "saddle" is commonly used to describe the surface for supporting the bands of the drive belt. The saddle area, by definition, **does not** include the transition region.

Applicant respectfully submits that none of the reference numerals in the figures of Natsushiro et al. designate the transition region. Furthermore, one of ordinary skill in the art cannot determine curvature radii from the figures. For anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention. MPEP 706.02(IV). Without disclosure concerning the transition region, Natsushiro et al. fails to anticipate Applicant's Claim 1 transition region having different curvature radii. Thus, Claim 1 is allowable, and all claims depending on Claim 1, Claims 2-20, are also allowable.

Claim 2

In addition to the fact that Claim 2 is allowable as dependent from Claim 1, the Examiner's grounds for rejection of Claim 2 are unsupported by the Natsushiro et al. disclosure. Examiner states that Claim 2 is anticipated by line 27 in Natsushiro et al., which intersects the pulley sheave contact surface. Applicant respectfully submits that Applicant is unable to find a reference to a line "27" in either the figures of Natsushiro et al. or the abstract. It appears that the only visible line in the figures does not extend to the sides of the transverse elements, and is, thereby, unable to intersect with the pulley sheave contact surface. As the rejection of Claim 2 is unsupported by Natsushiro et al., this Claim is allowable.

Claims 19-20

It is respectfully submitted that Claims 19-20 are allowable as dependent from Claim 1. It is noted that the Examiner has explained his rejection of Claims 19-20 by stating that Natsushiro et al. "clearly discloses the drive belt and the continuously variable transmission, wherein the drive belt comprises two endless carriers (30)". Applicant respectfully submits that Applicant is unable to find a reference numeral "30" in the figures. The closest numeral bearing a resemblance to "30" is reference numeral "3a" of figure 11 in Natsushiro et al. By interpreting a reference numeral "3a" as a reference numeral "30", the Examiner himself has provided proof of the fact that it is very difficult to derive any details from the figures.

3. Claim Rejections Under 35 USC § 103

Claims 5-18 are rejected under 35 USC § 103(a) as being unpatentable over Natsushiro et al. Claims 5-18 are allowable as dependent from allowable Claim 1 because Natsushiro et al. does not anticipate all the elements of Applicant's Claim 1. Therefore, Natsushiro et al. cannot be combined with another reference or knowledge in the art to render obvious Claims 5-18. Additionally, even assuming that Natsushiro et al. anticipates Claim 1, Claims 5-18 are allowable as they are not obvious in view of the art cited.

Examiner states that although Natsushiro et al. does not disclose "the ranges of the radii of curvature for the first and second radii," it would have been obvious to one of ordinary skill in the art to optimize the radii of curvature. In order for variables to be recognized as optimizable in accordance with 103(a), they must first be recognized as a result-effective variable. MPEP 2144.05(II)(B) (citing In re Antonie, 559 F.2d 618, 195 USPQ 6 (CCPA 1977)). No reference has been provided which would indicate to one of ordinary skill in the art that the ranges of radii curvature are a result-effective variable. Furthermore, Applicant's Claims 5-18 overcome significant problems in the prior art relating to the design of transverse elements in which the radii curvatures were not optimally configured as provided in Applicant's Claims 5-18. This ground of rejection for Claims 5-18 is believed overcome.

Claims 3-4 are rejected under 35 USC § 103(a) as being unpatentable over Natsushiro et al. in view of US Patent No. 6,110,065 to Yagasaki et al. Applicant submits that in addition to the fact that Claims 3-4 are allowable on the grounds that they are dependent from allowable

Claim 1, these claims are allowable because Yagasaki et al. fails to discuss the specific requirement of both Claims 3 and 4, i.e. the requirement that "the pulley sheave contact surface (32) is connected to the second part (41) of the transition region (33) through a bulge." As disclosed in Applicant's *Specification*, this provides the advantage that the "pulley sheave contact surface (32) extends beyond the contact line (34) as far as possible." (U.S. Patent App. No. 20040072644 at ¶ 47). Yagasaki et al. does not contain any teachings with respect the transition region, much less any teachings regarding connection of the second part of the transition region through a bulge. Accordingly, Applicant requests that the rejections against Claims 3-4 be withdrawn.

4. Amended Claim 1

In addition to the reasons set forth above, Claim 1 is allowable as amended. Applicant amends Claim 1 to clarify and make more definite the "transition region (33)". In this *Response and Amendment*, Applicant clarifies and makes more definite the transition region by denoting the transition region as a **convex** transition region (33).

The clarification to Claim 1 is clear from the figures and *Specification* as originally filed. The *Specification* expressly provides that a "supporting surface and a pulley sheave contact surface being situated at one side of a transverse element are connected to each other through a **convex** transition region." (U.S. Patent App. No. 20040072644 at ¶ 7). As the convex limitation on the transition region is fully supported in the *Specification*, this amendment adds no new matter and raises no issues requiring further consideration or searches.

5. Fees

No Claims fees are due, as the total number of Claims, and independent Claims, remains the same as upon original filing.

Further, this *Response And Amendment* is being filed within three months of the *Office Action*. Thus, it is believed no extension of time fees are due.

Nonetheless, authorization to charge deposit account No. 20-1507 is given herein should fees be due.

CONCLUSION

By the present *Response And Amendment*, the Application has been in placed in full condition for allowance. Accordingly, Applicant respectfully requests early and favorable action. Should the Examiner have any further questions or reservations, the Examiner is invited to telephone the undersigned Attorney at 404.885.2773.

Respectfully submitted,

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